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PRIME MINISTER · PREMIER MINISTRE

OTTAWA, K1A 0A2

February 4, 1978

Dear Mr. Garmaise:

I am writing in response to your letter dated August 23, 1977, with respect to the employment of homosexuals in the public service. I understand you have had correspondence on this subject with several of my colleagues in recent months but I would like to review the government's policy with particular reference to the points which you raised in your letter to me.

You mentioned the position taken by the Minister of Justice before the Justice and Legal Affairs Committee on the matter of including sexual orientation as a prohibited ground of discrimination in the Canadian Human Rights Act. The government did not support this suggestion for several reasons.

The most difficult problem the government faces in this area concerns security. In particular, problems are likely to be encountered in relation to sensitive positions in the public service, and related services, where security clearances to a high level are required. The R.C.M. Police, the Department of National Defence, and the Department of External Affairs have found that homosexuals are targeted for blackmail to a greater extent than heterosexuals. They are particularly vulnerable in postings abroad, and I should add that in some countries the legal provisions relating to homosexuals could cause serious problems for federal employees.

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Mr. David Garmaise,
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In the extract from Mr. Basford's statement to the Justice and Legal Affairs Committee included in your letter, the Minister explained that there were potential security problems, and that these would need to be reviewed before steps were taken which might alter the government's policy in dealing with security matters. Mr. Basford's reference to the Pearson Guidelines (as set out in Hansard, October 25, 1963), and Section 7(7) of the Financial Administration Act, R.S.C. 1970, C.F-10 was made in the context of discussing the existing procedures available when dismissal of a public servant is being considered for reasons of security. As you know, Section 7(7) provides an arrangement for an independent inquiry in such cases. You will note that the term "public service" as used in S. 7(7) includes the R.C.M. Police, External Affairs, and National Defence, as well as all other departments of the government and many of its agencies. The Financial Administration Act and its schedules outline the departments and agencies of Government which you requested.

With respect to the employment of homosexuals by the Department of National Defence, there is no policy to bar homosexuals from civilian positions. The Armed Forces however, have found that due to the special character of the Forces, individuals who are found to be homosexual are given discharges which do not cite specific reasons for release, in order to avoid harassment and for their own benefit.

I understand that Mr. Fox has indicated to you that an individual's sexual orientation does not represent a bar to employment in the Federal Government at large, or indeed to the grant of a security clearance. I can only emphasize his assurance that there is no government policy, either overt or covert, to discriminate against homosexuals. There is, however, a security problem which the government, in carrying out its responsibilities, must take into consideration.

Since the implications of the proposal in Canada have not been fully explored, Canada should not take steps to include it in federal legislation without

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further comprehensive examination of the problems that might be involved. It is for these reasons that the Minister of Justice has proposed that the question be examined by the Canadian Human Rights Commission which could then make recommendations for further government action.

My colleagues and I feel strongly that the Federal Government must make every effort to eliminate prejudiced attitudes towards homosexuals, but you will appreciate that this can be a very slow process. We intend to continue our efforts to protect the dignity and rights of all Canadians.

Sincerely,

P. E. Trudeau

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